

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEANDRE NORRA,

Petitioner,

No. C 12-0022 PJH (PR)

vs.

**ORDER DISMISSING CASE;
INSTRUCTIONS TO CLERK**

THE PEOPLE,

Respondent.

This case was opened when petitioner, a state prisoner, filed a document on the court's form for habeas petitions. Petitioner has an earlier habeas case pending in this court, number C 11-4322 PJH (PR). That case was opened on August 31, 2011, when petitioner filed a motion for stay and abeyance, saying that he had habeas issues he wished to exhaust in state court. The clerk sent him a notice that he had not filed a petition and should do so within thirty days to avoid dismissal; on September 14, 2011, he filed a petition on the court's form. That petition was dismissed with leave to amend because petitioner had not listed any grounds for relief. Petitioner also filed a later habeas case, number C 11-4863 PJH (PR), which was dismissed as second or successive to C 11-4322 PJH (PR), the court saying that petitioner should raise all of his claims in C 11-4322 PJH (PR).

The present petition is directed to the same conviction that is in issue in C 11-4322 PJH (PR), and it is apparent from a cover letter that, rather than being an attempt to file a new case, the petition is the amended petition due in C 11-4322 PJH (PR). In C 11-4322 PJH (PR), petitioner was instructed to put the case number on the amended petition, and the words "Amended Petition" on the first page, but when he filed this petition he did not do

1 so, with the result that the amended petition was mistaken for an attempt to open a new
2 case.

3 This case is **DISMISSED** as opened in error. No fee is due. The clerk shall docket
4 an electronic copy of the petition in C 11-4322 PJH (PR), describing it as an amended
5 petition and giving it a filing date of January 4, 2012.

6 **IT IS SO ORDERED.**

7 Dated: January 18, 2012.



PHYLLIS J. HAMILTON
United States District Judge